"Democracy was never intended for degenerates": Alberta's flirtation with eugenics comes back to haunt it

Richard Cairney

In Brief • En bref

An Alberta woman recently won a lawsuit against the government of Alberta for wrongful sterilization that took place when she was a 14-year-old ward at the Provincial Training School for Mental Defectives. It was the first time the province has been held accountable for actions taken under the Sexual Sterilization Act, a 1927 law that promoted the theory of eugenics and led to the sterilization of more than 2800 people. It has since been repealed. A physician who served on the province's Eugenics Board said the decisions were based on the best scientific advice and medical techniques available at the time. Today, she added, eugenics is being practised in a different way through prenatal diagnosis and therapeutic abortion.

Une femme de l'Alberta a récemment obtenu gain de cause dans le cadre d'une poursuite en justice qu'elle a intentée contre le gouvernement de l'Alberta pour stérilisation préjudiciable subie à l'âge de 14 ans lorsqu'elle était pupille confiée à la Provincial Training School for Mental Defectives. C'était la première fois que la province était tenue responsable de mesures prises en vertu de la Sexual Sterilization Act, loi de 1927 qui préconisait l'eugénisme et a entraîné la stérilisation de plus de 2800 personnes. La loi a été abrogée depuis. Un médecin qui a siégé à la Commission d'eugénisme de la province a déclaré que la décision était fondée sur les meilleurs conseils scientifiques et les meilleures techniques médicales disponibles à l'époque. Aujourd'hui, a-t-elle ajouté, l'eugénisme est différent : on a recours au diagnostic prénatal et à l'avortement thérapeutique.

Imagine what life would be like if science could cure almost every social ailment. What would a crime-free world be like? How would our lives change if we could walk the streets at night in complete safety and leave doors unlocked without having to worry about family safety?

During the late 1920s, Albertans decided this dream could become reality through the relatively new theory of eugenics, and until 1972 the province put theory into practice by sterilizing Albertans who were mentally disabled or had epilepsy or Huntington's disease. The practice ended when former premier Peter Lougheed abolished the Sexual Sterilization Act shortly after coming to power.

But it wasn't until 1995 that the government was called to account for actions that patients who were sterilized describe as unethical conduct. Leilani Muir, 51, sued the Alberta government for $2.5 million, claiming that she was wrongfully admitted to the Provincial Training School for Mental Defectives in Red Deer in 1955 and that sterilizing her without her knowledge, consent or just cause amounted to physical assault. She said her years in the Red Deer training centre robbed her of an education and a normal life.

[In January 1996 the court ordered the Alberta government to pay Muir almost $750 000 plus court costs as compensation. She told reporters that the only thing missing was a public apology, because "money can't replace what was taken away from myself and everyone else." Following the judgement, more than 30 people who were sterilized while living at the same school launched a general claim and dozens of others filed individual lawsuits. — Ed.]

Muir's story is compelling. In 1955, 3 days before her 11th birthday, Muir's mother drove her only child from her hometown of Priddis, just west of Calgary, to the Red Deer facility in central Alberta. Muir had no idea where she was going, and never suspected she was about to be abandoned. "When we got there she told me to get out. I walked up to the main building and a nurse met me at the bottom of the stairs. I didn't have any clothes with me, just what I was wearing."

Muir's admitting papers show she was assessed as a "mental defective — moron" and indicate she had a

Richard Cairney is a freelance writer living in Devon, Alta.

Larry Wong, Edmonton Journal

Leilani Muir: money can't replace what was taken away

subnormal intelligence quotient of 64 on the revised Wechsler Adult Intelligence Scale. When Muir wrote the test again in 1987 and 1989, she scored in the normal range, with results of 87 and 101.

The admitting papers didn't mention her abusive home life, which to that point had been cruelly painful — in many ways her lot improved the day she was admitted to the Red Deer centre. While living with her mother and her common-law husband, Muir was severely abused. During last year's trial, she told an Edmonton court of being forced to stand when others ate, of being starved and of being so hungry that she stole lunches from classmates on the days her mother allowed her to go to school.

"I was starved at home and beaten constantly. At least at the institution I got to play with other kids and be a normal child — at least I thought I was. They [other children] were just like me."

Muir suspects that her first birthday party was held at the centre when she turned 12. "The way I was brought up at home, I didn't know what a birthday was," she says.

Discipline at the centre was strict. "When we got punished they put us on wards with really mentally disturbed people in straightjackets. I used to cower back into a corner because I was so scared."

At age 14, Muir was approved for sexual sterilization by the Alberta Eugenics Board, which held proxy decision-making power over patients, their parents and guardians. If the board deemed a person should be sterilized, that person could not leave a provincial institution without having the operation.

Her file suggests that even though Muir was sterilized, she would never be fit to live beyond the facility's walls. She escaped that sentence in a bizarre twist of fate. When she was 21, her mother — who had ended the relationship with her former common-law husband — came for a visit. Muir's mother told the staff that they were going out for dinner and would return shortly. Instead, she effectively kidnapped her own daughter. "She threatened to leave me there [forever] when she came to visit. We never went for dinner. We got a bus and went home."

By this time, Edmonton was home. Muir says she was liberated from the centre to be a babysitter for her half-brother while her mother "partied." The significance isn't lost on Muir, now a Victoria waitress who has been married twice: "Do you realize what kind of life I would have had if my mother hadn't taken me from there?"

For years the sterilization surgery was a blurred memory for Muir, who had been told doctors were going to remove her appendix. She discovered the truth in her mid-20s when she went to a doctor because she wanted to have children.

Her doctor informed her that roughly one inch remained of her left fallopian tube, that her right tube was missing completely, and that they had been surgically removed. Two operations to reverse the procedure failed, and Muir's second marriage ended because of it.

Muir's experience wasn't unique. In court, her lawyers said Alberta's eugenics policy led to the sterilization of 2822 patients, almost 71% of the more than 4000 patients who had been authorized to undergo the procedure.

The steps that led to this type of routine sterilization tell an interesting tale.

Buying into eugenics

When Albertans bought into eugenics in the 1920s, eugenics and sterilization of the mentally disabled were being heartily endorsed and vigorously promoted by social and political crusaders such as Nellie McClung, Louise McKinney and Emily Murphy, who promised better living through science. Ironically, portraits of the women — three of the five crusaders involved in the Person's Case that won the right to vote for Canadian women — hang on the wall outside the courtroom where Muir's case was heard.

The eugenics movement had been gaining momentum long before Alberta jumped on the bandwagon. In 1912, *CMAJ* published an address that Dr. J.G. Adami of Montreal, a member of the association's executive council, delivered to the 1912 annual meeting in Edmonton (*Can Med Assoc J* 1912; 2: 963–980).

He insisted that it was the medical profession's duty to protect future generations from the acts of irresponsible adults. "When it is being taught that parents may submit themselves to intoxications and infections and that their offspring in their bodies and in their health pay no penalty, that the race does not directly suffer from the follies of individuals, that it is perfectly sound policy for this young country to welcome as citizens those of degraded or depraved parentage; then I hold that it is the duty of the physician to tell the truth as he knows it; and to explain in clear, unveiled lan-

guage the basis of his belief. . . . I want it to be realized that clean living makes the great nation; that if parents eat sour grapes the children's teeth, ay, and much more than their teeth, are liable to be set on edge, that evil living must tell upon the race even unto the third and fourth generation."

In 1927, *CMAJ* published an editorial promoting eugenics (17: 1526–1528) that made the goals of the practice — to free mankind from crime, disease and addictions — sound as noble as the fight against slavery. The editorial speaks on behalf of some unborn generation that is grateful for having been brought into a world free of much disease or deformity. "How long will it be before we recognize that our children, too, have a right to be free; free from a heritage which weakens their minds or cripples their bodies?

"The facts of inheritance are indisputable," the editorial concluded. "Why not let us endeavour to use that portion of our heritage which will promote the future well-being of the race, and discard that which leaves behind those who have bitter reason to regret the day they were born!"

In 1921 Dr. Clarence Hincks, professor of psychiatry at the University of Toronto and secretary of the National Committee for Mental Hygiene, completed a report for the Alberta government on the state of mental health care in the province. It linked immoral behaviour with mental illness and expressed concerns about the quality of immigrants arriving in the province. Eugenics supporters were more worried about the social problems caused by the immoral and feeble-minded than the human-rights implications of mass sterilization. They preached their cause with evangelistic fervour.

Among the groups promoting eugenics legislation was the United Farm Women (UFW), the women's wing of the United Farmers of Alberta (UFA). In her 1924 presidential address to the UFW, Margaret Gunn brushed aside a civil libertarian's concerns by insisting that "democracy was never intended for degenerates."

A year later the UFA passed a resolution calling for mandatory sterilization of the mentally unfit to prevent them "from reproducing their kind." In 1926 the UFW recommended that for sterilization legislation to work, all persons should undergo a medical examination before marriage.

Emily Murphy, the first female judge in the British Empire, was a leader in the movement. In 1926 the *Lethbridge Herald* reported: "Magistrate Murphy pointed out that 75% of the cause of feeble-mindedness is due to heredity. The other 25% may be attributed to alcoholism, social diseases, mental overstrain, training children as mediums, drug addiction, cigarettes, etc."

Murphy suggested that young Canadians had a moral duty to make in-depth inquiries about the family into which they were to marry. "The remedy is obvious," Murphy concluded. "It is a matter of humanity. Insane people are not entitled to progeny."

Murphy's support for eugenics was tireless. In an article written for Vancouver's *Sunday Sun*, "Should the unfit wed?", Murphy paints an intimidating image of the mentally disabled: "Whenever a man who is not in a side show eats his blanket or the plaster off the wall, plucks his hair bald, or turns himself into an immobile statue that neither speaks, sees nor hears, you may have doubts as to his sanity. There are many other signs of the S.P. — that is to say the Suspected Person . . . but these are fairly characteristic. You must never forget, however, that when these insane persons are released from durance, they are quite free to become parents of more and many children."

Murphy portrayed "normal persons" as prey for these dregs of society: "The congenitally diseased are becoming vastly more populous than those we designate as 'the upper crust.' This is why it is altogether likely that the upper crust, with its delicious plums and dash of cream, is likely to become at any time a mere toothsome morsel for the hungry, the abnormal, the criminals and the posterity of insane paupers — in a word, of the neglected folk."

In 1927, when the UFA government of Premier John Brownlee passed the Sexual Sterilization Act, similar legislation already existed elsewhere. That same year Oliver Wendell Holmes, chief justice of the US Supreme Court, declared "three generations of imbeciles is enough" and approved the sterilization of a woman later found to have a vitamin deficiency. Laws in the US allowed compulsory sterilization of criminals until 1942, when the Supreme Court struck down an Oklahoma law permitting sterilization of three-time felons. In BC, where eugenic sterilization was allowed from 1933 to 1972, it is estimated that several hundred of the operations took place.

Gerald Robertson, a University of Alberta professor who specializes in medical law, says legalized sterilization seems to have been in step with the public mood at the time. Robertson, who provided expert testimony during Muir's lawsuit, said it is odd that forced sterilization continued until 1972 because even though eugenics theory was at first embraced by the medical profession and finally by society, by the late 1930s and early 1940s the pendulum had begun to swing the other way.

"One reason was that eugenics and eugenic sterilization was based on scientific fallacy, based on assumptions presented as truths but not proven. The second reason was, of course, that the Nazi experiments and the full horror of the eugenics program there became known and people saw how short a step it was to racial cleansing. I think that's what turned most people off."

Robertson suggests that the public was duped: "For the middle class it is reassuring to be told these aren't social problems and these aren't economic problems — they are medical problems and there is a solution."

Perhaps the most intriguing aspect of the Alberta legislation was that it not only survived but also was amended to expand its scope in 1937 and 1942. Initially sterilizations couldn't be performed without consent of the patient or the patient's family, but Robertson says this requirement was removed in 1937 because the province felt its eugenics program was failing. The Social Credit health minister, Dr. W.W. Cross, complained that in 9 years the legislation should have led to the sterilization of 2000 mental patients, not 400. "Only 10 years ago there were 300 hopeless mental defectives in Alberta and now there are 3000, of which 80% could be traced to the original 300," Dr. Cross argued during debate over the amendments.

In 1942 the legislation was amended to permit sterilization of those suffering from epilepsy and Huntington's disease. (At least 15 boys with Down syndrome were given forced vasectomies between 1953 and 1971, even though it has been known since 1940 that these boys are sterile. One testicle was removed from each boy for research.)

Robertson finds the expanding powers odd. "At a time when most people were backing off in their support for eugenics, Alberta expanded the legislation, and more remarkable is the fact that the statute remained in force until 1972. It did not fall into disuse."

Minutes from meetings of the province's Eugenics Board show that when the Lougheed government announced plans to repeal the legislation in 1972, board members wondered whether they should continue to approve sterilizations. "It was being used right up until the end, so much so that the minutes of some of the last meetings of the Eugenics Board . . . record discussions of, 'Should we still go ahead?' and the board decides, 'Yup, let's keep going right till the bitter end,' " says Robertson. "They operated right up until the end."

Dr. Eike-Henner Kluge, a professor of philosophy and bioethics at the University of Victoria, says the Alberta strategy followed the best medical thinking of the time. "What Hitler did was clearly known to be contrary to ethical behaviour but . . . given the state of the art at that time, it was in fact understandable that for what [Alberta legislators] considered to be medical ethical issues, they'd do it," he said. "They were sold a bill of goods with the rather eager help of [those who] at the time were considered to be very good scientists."

Today, says Kluge, medicine can help decide who should and shouldn't have children. In cases in which parents carry lethal genetic codes that offer their offspring an extremely low quality of life, prospective parents have a "duty" not to have children. "But that's only for those genetically inherited diseases that are fatal," he said.

One example is Tay-Sachs disease. "If both partners carry it there's a one-in-four chance of having a child that suffers one of the most horrible deaths possible, guaranteed, by age 6. The emerging consensus is that that is irresponsible."

Today, euthanasia and physician-assisted suicide are being discussed openly, and this illustrates the degree to which society's values have changed since the days when Muir was sterilized. Dr. Margaret Thompson, a retired geneticist who is the only surviving member of the Alberta Eugenics Board, has no regrets about approving the sterilization of mentally ill patients during the early 1960s. Ethics, she points out, never stands still. While the inheritance theories that drove eugenics were being disproved, the matter of sexual relations among patients in psychiatric hospitals still needed to be addressed, she says.

"My attitude is that at the time it was a reasonable approach to a very difficult problem. I've heard the old stories about couples 'fornicating' in the bushes [at the] Ponoka [psychiatric hospital]. Males and females in institutions did indulge in sex, as you'd expect," she says. "The children that were produced — now what kind of prospects did those children have?"

Thompson, who at 75 is a member of the board of the Toronto Hospital for Sick Children Foundation, says it is wrong to apply today's rules to actions that were taken on the best scientific advice and medical techniques available at the time. She points out that, in a sense, eugenics is still being practised.

"Now, of course, people are more likely to use prenatal diagnosis and therapeutic abortion and people don't get up in arms over that because it's not something decided by the state. It's regarded as ethically correct now to think of individual rights rather than individual responsibilities."

Muir thinks about that a lot these days because she fears that mentally disabled people are still being sterilized without their knowledge or consent. "Who's to say it isn't happening? Who's to say it couldn't be done without a girl's knowledge?"

She argues that even in the case of Tay-Sachs disease, a couple should feel free to have children because there's only a 25% chance the child will be born with the disease. The decision, she reasons, should rest with God.

For Muir, the ultimate insult is that it was the state and medical professionals who played God for her. "They played God with everybody's lives and they had no right. God made me a whole person and they took that life way from me. They wrecked my whole life, everyone's life [who] was in there, forever." ■